



NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 2051 of 2024

1 - Dilip Upadhyay S/o Shri Ayodhya Prasad Upadhyay Aged About 23 Years
R/o Azad Chowk Sinha Furniture Street Near Tiwari Kirana Birgaon P.S. Urala
Raipur District - Raipur (C.G.)

... **Petitioner(s)****versus**

1 - State Of Chhattisgarh Through Station House Officer Police Station Urla
Raipur District - Raipur (C.G.)

... **Respondent(s)**

(Cause title taken from Case Information System)

Order sheet

<u>23/09/2025</u>	Mr. Syed Ishhadil Ali, Advocate for the appellant. Ms. Priya Sharma, Panel Lawyer for the State. Heard on I.A. No. 1 of 2024, which is an application for suspension of sentence and grant of bail. The appellant has been convicted and sentenced by the judgment of conviction and order of sentence dated

13.09.2024, passed in Special Criminal Case (NDPS, 1985) No. 230 of 2023, by learned Special Judge (NDPS Act), Raipur, District Raipur (C.G.), in the following manner:-

Conviction	Sentence
U/s. 22(B) of the NDPS Act, 1985	Rigorous Imprisonment for 10 years and fine of Rs. 1,00,000/-, in default of payment of fine additional rigorous imprisonment for two years.

Learned counsel for the appellant would submit that the appellant has been convicted for the offence under Section 22(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'NDPS Act'). There is no minimum sentence provided for the offence under Section 22(B) of the NDPS Act. The independent witnesses have turned hostile and not supported the prosecution's case, even the PW-4, who is the weight witness has also turned hostile. The case of the prosecution is based on the witnesses of search and seizure parties, who are the police persons and their evidence cannot be relied upon. There is no sufficient evidence against the appellant to hold his conviction in absence of any independent witnesses. The appellant was on bail during the trial, and presently is in jail since 13.09.2024 i.e. from the date of judgment. The appeal is of the year 2024, and final adjudication of the case will take its own time, therefore, he may be enlarged on bail.

On the other hand, learned counsel for the State opposes and has submitted that the appellant has been

convicted for the offence of trafficking the contraband tablets Nitrazepam and the offence of the appellant has been proved by the witnesses of search and seizure party. Total 10 strips (10 tablets in each strip) of Nitrazepam tablets have been seized from the appellant, which has been duly proved by the witnesses and the learned trial Court has appreciated the evidence available on the record in convicting and sentence the appellant. Looking to the nature of offence and quantity of Nitrazepam tablets, the appellant is not entitled for bail.

I have heard learned counsel for the parties and perused the record.

Considering the submissions made by learned counsel for the parties, further considering the nature of allegation and the quantity of alleged Nitrazepam tablets seized from the appellant, I am not inclined to release him on bail.

Accordingly, the application (I.A. No. 1 of 2024) is **rejected**.

List this case for final hearing after 08 weeks.

Sd/-
(Ravindra Kumar Agrawal)
Judge